THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No.18303 of 2007

Date 25-10-2007

Between:
A.Buchaiah.

..... PETITIONER

AND

M/s.Bharat Heavy Electricals Limited rep. By its General Manager, Hyderabad & others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION No.18303 of 2007

ORDER:

On 30-08-2007, this Court issued Rule Nisi and in WPMP.No.23495 of 2007 on the said day, the following interim order was made:

> "In the meantime, the respondents not to finalise or entrust the work in question pursuant to the opening price bids on 28-08-2007".

The petitioner filed this writ petition seeking a Writ of Mandamus declaring the action of the respondents 1 and 2 in proposing to consider the price bid submitted by the third respondent for allotment of work notified pursuant to the notification dated 26-05-2007 without considering the bid of the petitioner as illegal, arbitrary and consequently sought a direction to respondents 1 and 2 to consider the price bid submitted by the petitioner along with the third respondent and other bidders.

Several facts had been narrated in the affidavit filed in support of the writ petition. WVMP.No.2654 of 2004 is filed and in the affidavit filed in support of the vacate application, several facts had been narrated. Specific facts had been narrated in para 7 of the counter affidavit that the writ petitioner received the interim order dated 13-08-2007 in WPMP.No.23495 of 2007 in W.P.No.18303 of 2007 and this Court directed the respondents not to finalise or entrust the work in question pursuant to the opening of price bids on 28-08-2007 and that the respondents had complied with the orders of this Court. It is also stated that further records had been verified and

it was found that there is some discrepancy which had crept in decision making process pertaining to the tender in question and accordingly the competent authority on examination decided to short close the tender and to go for fresh tender process.

In the light of the specific stand taken at para 7 of the counter affidavit, this Court is of the considered opinion that no further orders need be passed in the present writ petition and the same is hereby recorded. However it is made clear that the petitioner is at liberty to participate as and when the tenders would be called for.

Accordingly, the writ petition is disposed of. No order as to costs.

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25-10-2007

usd